



**South Florida Water Management District  
Regulatory Peer Review Forum  
May 1, 2009  
9 a.m. – 11:00 a.m.  
SUMMARY**

**Attendees:**

Ed Weinberg  
Ronald Crone  
Patrick Martin  
Jay Foy  
Gerry Ward  
Irene Kennedy Quincey  
Bob Higgins  
Todd McLeod  
Bonnie McLeod  
Alan Wertepny  
Marc Fermanian

EW Consultants  
Lake Worth Drainage District  
Lake Worth Drainage District  
Stormwater J Engineering  
Consulting Engineer  
Pavose Law Firm  
Higgins Engineering  
Civil Design  
Matthews Consulting  
Mock Roos  
CRT Associates

Tony Waterhouse  
Damon Meiers  
Laurie Donovan  
Anita Bain  
Maria Clemente  
Steve Sarley  
Susan Martin

SFWMD – Environmental Resource Regulation Staff  
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SFWMD - Office of Counsel

**1. Opening Remarks – Tony Waterhouse**

Mr. Waterhouse opened the meeting at about 9:10 a.m.

**2a. Rulemaking – ERP Application Fees**

Tony Waterhouse discussed the rule development/rule making process and how information about the process can be accessed via the District's website. Mr. Waterhouse distributed a (copy attached) handout which provides information on navigating the website to access rulemaking information.

**2b. Rulemaking – Bald Eagle**

Anita Bain discussed the status of rulemaking concerning the bald eagle. The bald eagle will be listed under a new category in the Basis of Review, as it will no longer be listed as a threatened species. Discussion points included the following:

- ❖ The status of previously issued letters from the Fish and Wildlife Division since the bald eagle is being removed from the threatened species list.
- ❖ Pre-approved protection areas will remain. The new rule does not address this.

## **2c. Rulemaking – Water Use Application Fees**

Water use application fees rulemaking may start in the near future, however, analysis will be required prior to that beginning. Additionally, is it anticipated that utilities permits will be most effected.

## **2d. Rulemaking – Miami-Dade County ERP delegation**

ERP Delegation to Miami-Dade was discussed. Revisions to the delegation will formalize what was previously delegated, but this incorporates Chapter 120 process and time frames. Related discussion was as follows:

- ❖ Concern that Miami-Dade County will meet timelines.
- ❖ Miami-Dade County anticipates coming back after a few years of implementation and requesting delegation of wetland ERP review.

There was also a discussion of Collier County's delegation removal being scheduled for the May 2009 Governing Board.

## **3. Statewide Stormwater Rule**

Damon Meiers provided an update on the Statewide Stormwater Rule. The rule has been delayed one year and will go before next year's state legislative session. The WMD's and DEP are updating the proposed applicant's handbook. The Technical Advisory Committee (TAC) meetings are scheduled for June 24-25, July 29-30, August 18-19 and September 22-23. Discussion points included the following:

- ❖ Staff from the Water Managements Districts (WMDs) and DEP conducted an analysis on several fictitious projects to compare the water quality requirements of each WMD to a Pre (natural land cover) vs. Post requirement, and 80% treatment removal efficiency, and a 90% treatment removal efficiency.
- ❖ A new proposal of requiring an applicant to provide 80% removal efficiency or the pre vs. post treatment requirement for phosphorus and nitrogen, whichever is lowest.

- ❖ There was general discussion on now a natural land cover pre-development condition would be done, and how the current numeric nutrient standard fits in with the rule and regional water level control systems.

#### **4. Electronic Signing Sealing**

Electronic submittal of signed and sealed plans and documents was discussed. There were still some concerns voiced. The Board of Professional Engineers has recently clarified language regarding submission of electronically signed and sealed documents.

Requirements for Professional Engineers vs. Landscape Architect certification was discussed. There will be a task force to determine under what conditions a Landscape Architect can certify stormwater plans and legislation to define the criteria.

#### **5. Next meeting date/other/topics/adjournment**

Next meeting: Friday, July 10, 2009

Future topics: C-51 status  
Statewide rule staff project analysis  
Any information on numeric nutrient rule.

Meeting was adjourned at 10:30 a.m.

## Rule Development / Rule Making Information on the District Website

1. From the District Home Page, click on either
  - What We Do on the left navigation bar, or
  - SFWMD Permits on the right.

**stwmnd.gov**

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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*Managing & Protecting  
Our Region's Water Resources*

**Celebrating 60 Years (1949-2009)**

The South Florida Water Management District is a regional governmental agency responsible for water quality, flood control, water supply and environmental restoration in 16 counties, from Orlando to the Florida Keys. It is the oldest and largest of the state's five water management districts.

**What We Do**

- Home
- About SFWMD
- Governing Board
- Regional Service Centers
- News, Events & Meetings
- What We Do**
- Water Conservation
- Water Restrictions
- Procurement & Contracts
- Career Opportunities
- Recreation
- Education & Publications
- Technical Data & Docs
- Emergency Management
- Weather
- Water Conditions

**Learn More About...**

- Reviving the River of your water quality
- flood control
- ecosystem restoration
- water supply
- SFWMD Permits & Permitting**

**In the News**

- ❖ Lake Okeechobee at 11.29 feet today.
- ❖ SFWMD to Host Water Shortage Compliance Workshop for Local Enforcement Officials. (Apr. 27)
- ❖ SFWMD E-Briefing: Evaporation Exceeds Rainfall. (Apr. 22)



If you clicked on the left navigation bar, you will be directed to the

## What We Do Page

2. From the What We Do page, click on either:
  - Permitting/Regulation on the left navigation bar, or
  - The picture adjacent to Permitting/Regulation in the middle of the page.

The screenshot displays the website's navigation and content structure. On the left, a vertical menu lists various services, with 'Permitting/Regulation' highlighted by a red circle. The main content area, titled 'What We Do', features several sections with images and text. The 'Permitting/Regulation' section, also circled in red, is located in the middle of the page. Below this, there are sections for 'Simulation Modeling' and 'Environmental Monitoring'. The bottom of the page includes a 'South Florida Environmental Report SFER' and a 'Simulation Modeling' section.

**Home**  
 About SFWMD  
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 Regional Service Centers  
 News, Events & Meetings  
**What We Do**  
 • Canal & Structure Operations  
 • CERP/Everglades Restoration  
 • Ecosystem Restoration  
 • Emergency Management  
 • Environmental Monitoring  
 • **Permitting/Regulation**  
 • Simulation Modeling  
 • Watershed Management  
 • Water Supply  
 • Water Conservation  
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 • Recreation  
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 • Site Info

**What We Do**  
 .....  
**Canal & Structure Operations**  
 Our regional water management system, with approximately 2,300 miles of canals and levees and 2,200 water control structures helps to protect regional water supplies and alleviate flooding. [more >](#)  
**CERP/Everglades Restoration**  
 Efforts to restore and protect the historic Everglades ecosystem are being led by the District and the U.S. Army Corps of Engineers. [more >](#)  
**Ecosystem Restoration**  
 Estuaries, lakes, rivers and wetlands are all part of the greater Everglades system. Each ecosystem represents a unique management challenge. [more >](#)  
**Emergency Management**  
 Flood and drought, like hurricanes and wildfires have always been a part of subtropical Florida. Planning, monitoring and management can lessen the impact of these natural extremes. [more >](#)  
**Environmental Monitoring**  
 Timely, comprehensive and accurate information is essential to measure the success of efforts to protect the region's water resources. [more >](#)  
**Land Resources**  
 How and why lands are acquired, are managed to support SFWMD initiatives, and what sites are available for recreation, as well as how land resources activities integrate with water resource management. [more >](#)  
**Permitting/Regulation**  
 Regulations and permits help insure that surface and ground water are used in ways that benefit the general public and preserve the resources. [more >](#)  
**Simulation Modeling**  
 Models help scientists and planners measure the possible effects of a variety

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 • Lower West Coast  
 • Kissimmee Basin  
 • Upper East Coast  
 Environmental  
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## Permitting Web Page

3. Under "On this page", click on either:
  - Rule Development

Organization

Permitting

- ePermitting
- Application/Permit Info
  - Environmental Resource
  - Everglades Works of the District
  - Lake Okeechobee Works of the District
  - Right of Way
  - Water Use
  - Well Construction
  - Regulatory Guidance
  - Rules, Statutes, & Criteria
  - News & Meetings
  - Who to Contact

**Permitting**

The South Florida Water Management District (SFWMD) protects the supply and the quality of water resources by regulating the management and storage of surface waters and the dredging or filling of wetlands with ENVIRONMENTAL RESOURCE PERMITS. For more information on Environmental Resource Permits, please reference the *Environmental Resource Permit Information Manual Volume IV* [pdf 29mb].

We also regulate ground and surface water withdrawals ("WATER USE" or "CONSUMPTIVE USE") by major users such as water utilities, agriculture and nurseries, golf courses, mining and other industrial users. The District also issues WATER WELL CONSTRUCTION PERMITS & LICENSE INFORMATION.

RIGHT OF WAY (ROW) PERMITS are issued to protect the SFWMD's ability to effectively and safely use the canal and levee rights of way of the Central and Southern Florida Flood Control Project, the related water conservation areas, the works of the Big Cypress Basin, and certain other canals and rights of way - while providing for compatible public and private uses. For temporary access to SFWMD rights of way, local governments, contractors and others can request KEY PERMIT ACCESS. For more information on Right of Way Permits, please reference the *Right of Way Permit Information Manual Volume V* [pdf 1mb].

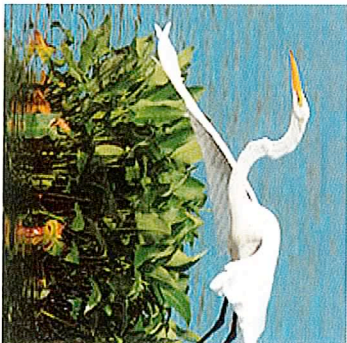
The District also issues Surface Water Improvement and Management (SWIM) "Works of the District" permits to property owners working to reduce nutrient/pollution flows into areas such as LAKE OKEECHOBEE and the EVERGLADES.

**On this page**

- Key Permit Application
- Application/Permit Search
- Permit Application Forms
- Peer Review Group
- Rule Development
- Permit Contacts
- Everglades Regulation
- Apps Scheduled for Governing Board
- Permit Fees [pdf]
- ERP Permit Fees
- ROW Permit Fees

SFWMD News Room

What's New >>





## Rule Development / Rule Making Information Page

### Organization

#### Permitting

- » ePermitting
- » Application/Permit Info

- » Environmental Resource
- » Everglades Works of the District

- » Lake Okeechobee Works of the District

- » Right of Way
- » Water Use
- » Well Construction

#### Regulatory Guidance

- » Rules, Statutes, & Criteria
- » News & Meetings
- » Who to Contact

#### Rules & Criteria

#### Rulemaking

#### External Links

### Rulemaking/Rules Under Development

#### Bald Eagle – Chapter 40E-4

**Purpose:** To amend the definition of listed species in its rules governing the issuance of environmental resource permits (ERP) to update the rule references concerning listed wildlife and plant species, and to specifically reference the bald eagle, which is protected under a federal statute known as the Bald and Golden Eagle Protection Act; and Table 4.2.7-1 of the BOR that will include the bald eagle under a new category (other) and remove it from the category of threatened species.

**Status:** The Notice of Rule Development was mailed on June 25, 2008, and noticed in the July 3, 2008, of the Florida Administrative Weekly. A workshop was held on July 24, 2008, from 10:00 a.m. – 12:00 noon in the Econ Room, located at the St. John's River Water Management District.

- » Bald Eagle Management Plan (FWC Link)

#### C-139 Basin-40E-63, Part IV FAC-Docket 2

**Purpose:** To revise Chapter 40E-63, Part IV as required by 40E-63.460 "C-139 Basin Compliance" to ensure that the objectives of the EFA, Section 373.4592(4)(f)5., F.S., are met.

**Status:** The Notice of Rule Development was mailed May 30, 2007, and noticed in Florida Administrative Weekly June 1, 2007. The scheduled dates, times, and locations for six Rule Development Workshops are listed below.

#### Documents:

- » Notice of Rule Development – General [html 7kb]
- » Comment Form - Rule Development
- » June 20, 2007 Workshop Agenda: 9:30 a.m. – 12:30 p.m.